THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6610 of 2006

Dt.4.4.2006

Between:

M/s.Indian Bank, Begumpet,

Hyderabad. … Petitioner

And

The Commissioner, Municipal Corporation of

Hyderabad, Hyderabad and others.

…Respondents

ORDER:

The petitioner questions the action of the respondents in treating the name board erected by the petitioner bank on its premises as advertisement within the meaning of Section 421 r/w.622 of Hyderabad Municipal Corporation Act and consequently demanding the advertisement fee vide the impugned notice dt.16.03.2006, No.138/Advt./Nest/MCH/2005-06 as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Municipal Corporation of Hyderabad.

The learned counsel for the petitioner contends that the name Board erected by the petitioner on its premises is not a sky sign nor an advertisement and therefore Sections 420 and 421 of the Hyderabad Municipal Corporation Act do not attract. Thus, according to the learned counsel the petitioner is not liable to pay the advertisement fees as demanded under the impugned notice.

Since admittedly the said objection raised by the petitioner has not been considered by the respondents before issuing the impugned demand notice, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to submit his explanation raising all the objections as are available under law treating the impugned notice as a show cause notice. If any such explanation is submitted by the petitioner within four weeks from today, the respondents shall consider the same and pass appropriate orders afresh in accordance with law. Till such orders are passed, the impugned notice shall not be given effect to. There shall be no order as to costs.

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V.ESWARAIAH, J.

4.4.2006

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